

## Guide for Reporting on OECA National Enforcement Initiatives (NEIs) for FY 2016 *December 2015*

Following is the plan for NEI reporting for MY and EOY FY 2016. Our multi-year goal has been to obtain most of the NEI data that appears on the OECA NEI Website and for other NEI measures (<http://www.epa.gov/oecaerth/data/planning/initiatives/index.html>) from ICIS. To achieve this goal, we have moved most of the data reporting and collection for the NEIs to ICIS. By doing this we believe that the NEI data is now both more accessible and reliable.

Reporting varies by NEI. It is this variation that necessitates this Reporting Guide. A separate description for FY16 reporting for each NEI is provided below.

The key changes expected for FY16 are:

1. Migration of Municipal Infrastructure MS4 NEI data from Quick Place spreadsheets into ICIS (a change that we had thought would occur in FY14 or FY15); (We are still considering this migration for FY16. If we go forward with this migration, following the migration all MS4 NEI data will be input directly to ICIS and use the MS4 Muni Quick Place spreadsheets will end.)
2. Migration of historical Mineral Processing NEI inspections and NSR/PSD NEI investigations to ICIS FE&C, making use of the "Initiated Action" field on the Case File screen (expected to occur during FY16); and
3. Migration of No Further Action information for the NSR/PSD NEI using the "No Further Action" data field on the Case File screen (expected to occur in FY16).

Reporting for the all of the NEIs will continue as in FY16, with only minor changes.

To maximize data accessibility, we still plan to create NEI dashboard functionality that is fed from ICIS. We eventually may use the NEI Dashboard to create the OECA NEI Website. Action on this will await the next round of NEIs.

**Key NEI ICIS reporting requiring attention in FY 2016 are:**

1. Reporting addressed and no further action determinations on the Case File screen for all of the NEIs, particularly the Energy Extraction, CAFO, Mineral Processing and NSR/PSD NEIs. Many Regions have many inspections and/or enforcement actions reported under the NEIs for which no Case File record was created in ICIS. All or virtually all such activities should have a related Case File record.
2. Assuring for the Energy Extraction NEI that any EE activity numbers provided directly to the SIT match the numbers in ICIS - or, BETTER, come from ICIS. At EOY FY 2015, the EE SIT received numbers from some Regions that did not match the EE activity data reported to ICIS.
3. Checking the Muni CSO, SSO, Mineral Processing and NSR (cement, acid, glass and coal-fired power plants) NEI Spreadsheet Reports to assure the universes of facilities are correct for your Region. The CSO and SSO universes were corrupted in ICIS late in FY15 and are being reassembled – making this especially important for these two NEIs.

### **General NEI Reporting Information**

#### **1. Date to Use When Identifying an NEI Facility in ICIS as Having Been Controlled/Addressed or No Further Action**

During a review of NEI data in FY 2013, it became evident that it is not always understood what date to enter into the ICIS Compliance Determination (now "Case File") date fields for the date when a facility is

considered addressed or controlled, or the date to enter to indicate that a “no further action” determination has been made. This is a bit complicated by the fact that different events are considered addressing actions under the various NEIs. Nevertheless, it is possible to generalize:

- a. A facility is considered “addressed” (or “controlled” for the NSR/PSD NEI) under the NEIs on the date that the addressing action occurs. For example, if a facility is considered addressed on the date that an enforcement case is concluded resolving the NEI violations at the facility, then the addressed date is the date the judicial consent decree is entered or administrative consent agreement is issued concluding the case. If the event that is considered the addressing action is filing of the complaint, then the addressed date is the date the complaint was filed.
- b. The date to enter to ICIS to record a determination that no further action is required at a facility is the date that the region made the determination that no further action at the facility is warranted.

If you have questions about this, please contact Dan Klaus (202/564-7757) or a member of the relevant NEI SIT.

## 2. NEI Addressing Action and No Further Action Types in ICIS

The purpose of the table below is to assure that those involved with recording NEI data in ICIS are aware of the differences between NEIs as to what constitutes a determination that a facility has been “addressed” (or “controlled” for the NSR/PSD NEI) or that “no further action” is required at a facility. The addressed and no further action types listed below are current in ICIS as of December 2014 and can be found in the “Facility Addressed/Controlled Action Type” and the “Facility No Further Action Type” drop-down menus on the ICIS FE&C Case File Screen.

### NEI Addressing Action and No Further Action Types in ICIS – NEI by NEI

<b>Concentrated Animal Feeding Operations (CAFOs)</b>	
<b>Addressed Action Types</b> <i>(Select Type depending on whether In Regional Initiative Area or Not)</i>	<b>No Further Action Types</b> <i>(Select Type depending on whether In Regional Initiative Area or Not)</i>
Final Federal Admin Penalty or Compl Order	Other approved by WED DD
Federal Civil Jud. Complaint filed w/ a CD	Fed or State Evaluation determined no or minor violations
Federal Civil Jud. Complaint filed w/o a CD	Federal NPDES permits that comport with policies
	State equivalent enforcement action
	State NPDES permits that comport with policies
<b>Mineral Processing</b>	
<b>Addressed Action Types</b>	<b>No Further Action Types</b>
Federal Consent Decree	Federal Inspection determined no or minor violations
Federal Final Administrative Orders (AO, ACO, AOC, CAFO, FAPO)	
<b>Air Toxics</b>	

Addressed Action Types	No Further Action Types
Fed. AO issued or complaint filed	Inspection, Evaluation, or Investigation determined no or minor violations
Federal civil case referred to DOJ	
<b>Energy Extraction</b>	
Addressed Action Types	No Further Action Types
Fed. AO issued or APO complaint filed	No Further Action Determination pursuant to Dec 21, 2011 Memorandum
Referring a case to DOJ	
State equivalent of filed jud. complaints or final issued	
<b>New Source Review (NSR/PSD)</b>	
Controlled Action Types	No Further Action Types
Controlled to NSR/PSD levels, repowered, or shutdown	Been reviewed for compliance with NSR/PSD
Federal Consent Decree	
<b>Municipal Infrastructure</b>	
Addressed Action Types	No Further Action Types
Final Federal Admin Penalty or Compl Order	Other approved by WED DD
Federal Civil Jud. Complaint filed w/ a CD	Fed or State Evaluation determined no or minor violations
Federal Civil Jud. Complaint filed w/o a CD	Federal NPDES permits that comport with policies
MS4s- Phase 1 – System Addressed	State equivalent enforcement action
MS4s- Phase 2 – System Addressed	State NPDES permits that comport with policies
	MS4s-Phase 1-System No Further Action
	MS4s-Phase 1-Co-Permittee, No Action Taken
	MS4s-Phase 2-System No Further Action
	MS4s-Phase 2-Co-Permittee, No Action Taken

## **NEI-Specific Reporting Information**

### **1. NSR/PSD NEI (No change to reporting from FY 2013)**

For FY16 (as in FYs 14-15), reporting for all of the NSR/PSD NEI segments (coal-fired power plants, cement, acid, and glass) will be reported to ICIS.

#### **a. Coal Fired Power Plants (CFPP)**

For FY 16, like FYs 13-15, data for the CFPP component of the NSR/PSD NEI all will come from ICIS. The data from the CFPP segment of the NSR/PSD NEI manual spreadsheet was migrated to ICIS in



March 2013. (Additional, historical no further action and investigation data is expected to be migrated to ICIS in FY2016.) This includes the universe, the facilities controlled, and NOx/SOx reduction data. ICIS will be the source for reporting these data points for MY and EOY FY 2015. NEI investigation initiations at CFPPs also are to be reported to ICIS for FY 15 (as in FYs 13 and 14).

**i. Universe Data**

In March FY 2013, the NSR/PSD CFPP universe was loaded into ICIS (into the new “Universe Indicator” data field in the ICIS Facilities module). Each facility that is part of the CFPP universe is identified in ICIS using this new data field with a flag that indicates that the facility is part of the NSR/PSD “Coal-fired Power Plants” universe. (The universe of facilities that was uploaded to ICIS was based on the NSR/PSD NEI CFPP universe as it existed on March 13, 2013.)

Because the NSR/PSD CFPP facility universe was uploaded into ICIS we do not foresee any need in the future to manually populate the Universe Indicator data field for the CFPP universe. Any adjustment to the established universes of NSR/PSD facilities would have to be pre-approved by the NSR/PSD NEI SIT.

**ii. Controlled/No Further Action Status Data**

The information on the determination that a CFPP has been “controlled” was also uploaded into ICIS in March 2013. This data was uploaded into several NEI data fields in the ICIS “Case File” (formerly “Compliance Determination”) module at the same time that the CFPP facility universe information was populated into ICIS. From March 2013 forward, all controlled determinations made for the facilities in the NSR CFPP universe must be manually entered by the region into the ICIS Compliance Determination module.

In FY16, the Office of Compliance intends to upload into ICIS from manual spreadsheets information on NSR/PSD NEI facilities for which a determination has been made that no further action at that facility is required. The addition of this data to ICIS will assure that managers using ICIS to review the status of the NSR/PSD NEI universe will have complete information. The data will be uploaded to the Facility No Further Action data field on the Case File data screen.

To manually enter a NSR/PSD CFPP NEI Case File record into ICIS:

- 1) From the ICIS FE&C drop-down menu at the top of the screen select “Air Case File with NEI” or “NEI” from the Case File menu; this will open the Case File screen.
- 2) In the Basic Information Section of the Case File screen:
  - a) Enter a Case File Name (name of company/facility)
  - b) Enter a Status Type (Case File Data Entered (*default value*))
  - c) Enter Case File Description (optional)
- 3) Link the Case File record to the facility controlled; conduct a search for the facility that has been controlled; select the facility (*be sure to link to the AIR programmatic ID associated with the facility that is identified as being part of the NSR/PSD CFPP Universe for which a controlled/no further action determination has been made*); after linking to the facility, open the facility record and assure that the “Universe Indicator” field is populated with the correct NEI. If this field is not populated, or is populated with another NEI, then this is not the correct facility for linking. This

facility should be unlinked and the process should be redone linking to the facility that is identified in ICIS as being part of the NSR/PSD NEI CFPP universe.

- 4) Enter the Federal Statute Violated (select applicable statute, law section/program)
- 5) In the NEI Determination section of the Case File screen:
  - a) Select NSR/PSD as the NEI
  - b) Select a Facility Addressed /Controlled Action Type and date; or Select a Facility No Further Action type and date.
  - c) Enter into the NEI Determination comment field any comments on the controlled or no further action determination (e.g., the basis for the determination that a facility has been controlled or that no further action is required for this facility).
- 6) If the Case File record is related to an existing investigation, another Case File record, and/or enforcement action record in ICIS select "Related Activities" near the top of the Case File screen. On the Related Activities screen select "Search Activities to Link." From the list of "Activities Eligible to be Related" select the activity you want to link, and then click on the "Link" button. If the Case File is related to an EPA enforcement action for which a record has not yet been created in ICIS, to link the records you must separately create the Enforcement Action record and then link that record back to this existing Case File record.

### iii. NOx and SOx Emission Reductions Data

NOx and SOx emission reductions from concluded NSR/PSD NEI Cement, Acid, and Glass enforcement cases will be obtained for FYs 11-16 from ICIS. (For cases concluded in FYs prior to FY11, the data source will continue to be the AED spreadsheet.) The FY 16 NOx and SOx emission reduction data will be obtained from the Enforcement Action Module in ICIS, from the NSR/PSD NEI enforcement cases that:

- 1) concluded in FY 16 (CD entered, final AO issued),
- 2) were flagged in ICIS with the corresponding NSR/PSD NEI flag in the Enforcement Action National Priority field on the Final Order-Basic Info screen, and
- 3) had pollution reductions of SOx and/or NOx entered into the ICIS Final Order-Complying Action/Injunctive Relief screen.

### iv. Investigations

In FY2016, the Office of Compliance plans to upload historical (pre-FY2013) NSR/PSD NEI inspection data into ICIS from manual spreadsheets maintained by the NSR/PSD SIT. This data will not be uploaded into the compliance determination module, but, rather, it will be uploaded into the Case File module using the "Facility Initiated Action Type" and "Facility Initiated Action Date" data fields. Using these data fields we will be able to capture the fact that a NSR/PSD NEI facility has been inspected – data that is not reliably available in ICIS now. The NSR/PSD NEI Spreadsheet report will be modified to capture and correctly identify this new information in ICIS. Because this migration will involve only historical data, it is not expected that the regions will need to manipulate this migrated data.

As in FY 13-15, in FY 16 all NSR/PSD CFPP NEI investigations initiated in FY16 must be entered into ICIS. This is a new ICIS data entry requirement necessitated by our tracking of investigation initiations for the NSR/PSD NEI universes on the OECA NEI Website and in a dashboard. (Note: Any questions about whether an investigation qualifies as an

*“investigation initiation” for purposes of the NSR NEI should be directed to Shaun Burke, OCE/AED.)*

To add an NSR/PSD NEI CFPP investigation initiation to ICIS, follow these steps:

- 1) Under the ICIS FE&C drop-down menu select “Facility” and “Search.” Search for the facility using the name or an ID #. In the list of facilities that results, identify the correct facility that has an AIR programmatic ID#. Click on the programmatic ID# and verify that the facility is flagged with the CFPP NSR/PSD NEI in the “Universe Indicator” field. If it is not flagged with an NEI, or it has the wrong universe flag, return to the search list of facilities and renew your search for the correct facility. When you have identified the correct facility with the CFPP NEI flag, then select the “Compliance Monitoring” tab at the top of the screen.
- 2) On the resulting screen click on “Add Compliance Monitoring Activity” (in the upper right hand corner). On the drop-down menu select “Investigation” and “Federal.” This will take you to the Compliance Monitoring data entry screen.
- 3) On the Compliance Monitoring data screen:
  - a) Enter the Region;
  - b) Enter a Compliance Monitoring Activity Name (name of company/facility investigated);
  - c) Enter:
    - i) an Actual Start Date; and
    - ii) an Actual End Date of the investigation if known, otherwise a Planned End Date (if the Planned End Date is not known, it must be entered later when it is known);
  - d) Enter the Federal Statute (CAA), Law Section (CAA: PART C:Prevention of Significant Deterioration (PSD) of Air Quality) and Compliance Monitoring Type (Investigation);
  - e) Enter the Compliance Monitoring Reason (Agency Priority);
  - f) Enter the Compliance Monitoring Agency Type (U.S. EPA);
  - g) Enter the OECA National Priority (“2016 - NSR/PSD – Coal-fired Power Plants”);
  - h) Enter the Compliance Monitoring Comments (type here: “CAA 114 letter” and/or any other means that were used to investigate the facility).
  - i) If an ICIS Case File record also is to be created for this case/facility (*see section 3.a.ii, above*), select the “Add/Link Case File” button at the bottom of the screen to create a linked Case File record.

**b. Cement, Acid, and Glass**

As in FYs 12-15, the data for the Cement, Acid, and Glass components of the NSR/PSD NEI will come from ICIS (now ICIS-Air) for FY16. This includes data on the Cement, Acid, and Glass universes of facilities, the facilities that are controlled/no further action, investigations initiated, and NOx/SOx pollution reduction data.

**i. Universe Data**

In FY 2012, the NSR/PSD cement, acid, and glass facility universes were loaded into ICIS (into the new “Universe Indicator” data field in the ICIS Facilities module). Each facility that is part of each universe is identified using the new data field with a flag that indicates that the facility is part of the NSR/PSD “Cement,” “Nitric Acid Plants,” “Sulfuric Acid Plants,” or

“Glass Manufacturing” universes. (The universe information that was uploaded to ICIS was based on these universes as they existed at MY FY12.)

Because the NSR/PSD Cement, Acid, and Glass facility universes were uploaded into ICIS we do not foresee any need in the future to manually populate this data field. Any adjustment to the established universes of NSR/PSD facilities would have to be pre-approved by the NSR/PSD NEI SIT.

**ii. Controlled Status Data**

The information on the determination that a facility has been “controlled” was also uploaded into ICIS in FY 12. This data was uploaded into several new NEI data fields in the ICIS Case File (formerly “Compliance Determination”) module at the same time that the universe information was populated into ICIS. Since MY 2012, all controlled/no further action determinations made for the facilities in the NSR Cement, Acid, and Glass universes must manually be entered by the region into the ICIS Case File module.

In FY16, the Office of Compliance intends to upload to ICIS-Air information on NSR/PSD NEI facilities for which a determination has been made that no further action at that facility is required. The addition of this data to ICIS-Air will assure that managers using ICIS-Air to review the status of the NSR/PSD NEI universe will have complete information. The data will be uploaded to the Facility No Further Action data field on the Case File data screen.

To manually enter a NSR/PSD Cement, Acid, or Glass NEI Controlled/No Further Action Determination into ICIS:

- 1) From the ICIS FE&C drop-down menu at the top of the screen select “Air Case File with NEI” or “NEI” from the Case File menu; this will open the Case File screen.
- 2) In the Basic Information Section of the Case File screen:
  - a) Enter a Case File Name (name of company/facility)
  - b) Enter a Status Type (Case File Data Entered (*default value*))
  - c) Enter Case File Description (optional)
- 3) Link the Case File record to the facility controlled; conduct a search for the facility that has been controlled; select the facility (*be sure to link to the AIR programmatic ID associated with the facility that is identified as being part of one of the NSR/PSD universes for which a controlled/no further action determination has been made*); after linking to the facility, open the facility record and assure that the “Universe Indicator” field is populated with the correct NEI. If this field is not populated, or is populated with another NEI, then this is not the correct facility for linking. This facility should be unlinked and the process should be redone linking to the facility that is identified in ICIS as being part of a NSR NEI universe.
- 4) Enter the Federal Statute Violated (select applicable statute, law section/program)
- 5) In the NEI Determination section of the Case File screen:
  - a) Select NSR/PSD as the NEI
  - b) Select a Facility Addressed /Controlled Action Type and date; or Select a Facility No Further Action type and date.  
*Note: HQ approval is no longer required for a final determination that a NSR/PSD NEI facility is considered controlled or requires no further action.*
  - c) Enter into the NEI Determination comment field any comments on the controlled or no further action determination (e.g., the basis for the

determination that a facility has been controlled or that no further action is required for this facility).

- 6) If the Case File record is related to an existing investigation, another Case File record, and/or enforcement action record in ICIS select "Related Activities" near the top of the Case File screen. On the Related Activities screen select "Search Activities to Link." From the list of "Activities Eligible to be Related" select the activity you want to link, and then click on the "Link" button. If the Case File is related to an EPA enforcement action for which a record has not yet been created in ICIS, to link the records you must separately create the Enforcement Action record and then link that record back to this existing Case File record.

### iii. **NOx and SOx Emission Reductions Data**

NOx and SOx emission reductions from concluded NSR/PSD NEI CFPP enforcement cases are obtained from ICIS. The NOx and SOx emission reduction data will be obtained from the Enforcement Action Module in ICIS, based on the NSR/PSD NEI enforcement cases that: a) concluded (CD entered, final AO issued), 2) were flagged in ICIS with the corresponding NSR/PSD NEI flag in the Enforcement Action National Priority field on the Final Order-Basic Info screen, and 3) had pollution reductions of SOx and/or NOx entered into the ICIS Final Order-Complying Action/Injunctive Relief screen.

The Regions will have to assure that the NOx and SOx pollutants reduced data entered to ICIS in FY16 for NSR NEI cases is complete and accurate. OC will assist by providing a report that displays this information.

### iv. **Investigations**

In FY2015, the Office of Compliance plans to upload historical (pre-FY2013) NSR/PSD NEI inspection data into ICIS from manual spreadsheets maintained by the NSR/PSD SIT. This data will not be uploaded into the compliance determination module, but, rather, it will be uploaded into the Case File module using the "Facility Initiated Action Type" and "Facility Initiated Action Date" data fields. Using these data fields we will be able to capture the fact that a NSR/PSD NEI facility has been inspected – data that is not reliably available in ICIS now. The NSR/PSD NEI Spreadsheet report will be modified to capture and correctly identify this new information in ICIS. Because this migration will involve only historical data, it is not expected that the regions will need to manipulate this migrated data.

As in FYs 12-16, all NSR/PSD Cement, Acid, and Glass NEI investigations initiated in FY16 must be entered into ICIS. (Note: Any questions about whether an investigation qualifies as an "investigation initiation" for purposes of the NSR NEI should be directed to Shaun Burke, OCE/AED.)

To add an NSR/PSD NEI Cement, Acid, or Glass investigation initiation to ICIS, follow these steps:

- 1) Under the ICIS FE&C drop-down menu at the top of the screen select "Facility" and "Search." Search for the facility using the name or an ID #. In the list of facilities that results, identify the correct facility that has an AIR programmatic ID#. Click on the programmatic ID# and verify that the facility is flagged with the CFPP NSR/PSD NEI in the "Universe Indicator" field. If it is not flagged with an NEI, or it has the wrong universe flag, return to the search list of facilities and renew your search for



- the correct facility. When you have identified the correct facility with the CFPP NEI flag, then select the "Compliance Monitoring" tab at the top of the screen.
- 2) On the resulting screen click on "Add Compliance Monitoring Activity" (in the upper right hand corner). On the drop-down menu select "Investigation" and "Federal." This will take you to the Compliance Monitoring data entry screen.
  - 3) On the Compliance Monitoring data screen:
    - a) Enter the Region;
    - b) Enter a Compliance Monitoring Activity Name (name of company/facility investigated);
    - c) Enter:
      - i) an Actual Start Date; and
      - ii) an Actual End Date of the investigation if known, otherwise a Planned End Date (if the Planned End Date is not known, it must be entered later when it is known);
    - d) Enter the Federal Statute (CAA), Law Section (CAA: PART C:Prevention of Significant Deterioration (PSD) of Air Quality) and Compliance Monitoring Type (Investigation);
    - e) Enter the Compliance Monitoring Reason (Agency Priority);
    - f) Enter the Compliance Monitoring Agency Type (U.S. EPA);
    - g) Enter the OECA National Priority ("2014 - NSR/PSD –Cement, Sulfuric acid plants, Nitric acid plants, or Glass manufacturing");
    - h) Enter the Compliance Monitoring Comments (type here: "CAA 114 letter" and/or any other means that were used to investigate the facility).
    - i) If an ICIS Case File record also is to be created for this case/facility, select the "Add/Link Case File" button at the bottom of the screen to create a linked Case File record.

## 2. Air Toxics NEI

In October FY 15, the AFS data system was turned off and the new ICIS-Air data system was turned on. ICIS-Air is now the database of record for all CAA federal enforcement information. Relevant data housed in the AFS system was migrated into ICIS-Air, including Air Toxics NEI addressed/no further action determination data and evaluation data. As a result, beginning in FY 15, all Air Toxics NEI enforcement and compliance activities are to be entered into ICIS-Air and properly flagged (as described below) with the Air-Toxics NEI.

### a. Enforcement Action Data

As was the case for EOY FYs 11 through 15, for FY 2016 the Air Toxics NEI enforcement action data will be pulled from the ICIS Enforcement Action module. All cases properly flagged in ICIS with one of the Air Toxics NEI flags (Air Toxics LDAR, Flaring, or Excess Emissions) will be counted toward the NEI and the associated facility will be included in the Air Toxics NEI map on the NEI Website.

### b. Evaluation Data

Beginning in FY2015, with the advent of ICIS-Air, all Air Toxics Evaluations are to be entered into the ICIS Case File module. To enter an Air Toxics NEI evaluation into ICIS:

- i. Using the dropdown list under ICIS "AIR" at the top of the screen select "Search from the Facility section." Search for the facility using the name or facility ID #. In the list of facilities that results, identify the correct facility that has an air programmatic ID#. When you have identified the correct facility select the "Compliance Monitoring" tab at the top of the screen.

- ii. On the resulting screen click on "Add Compliance Monitoring Activity" (in the upper right hand portion of the screen). On the next screen, in the "Inspection/Evaluation row click on "Federal." This will take you to the Compliance Monitoring Information data entry screen.
- iii. On the Compliance Monitoring Information screen:
  - 1) Enter the Region;
  - 2) Enter a Compliance Monitoring Activity Name (name of company/facility inspected);
  - 3) Enter:
    - a) an Actual Start Date; and
    - b) an Actual End Date of the evaluation if known, otherwise a Planned End Date (if the Planned End Date is not known, it must be entered later when it is known);
  - 4) Enter the Federal Statute (CAA), Law Section, and Compliance Monitoring Type;
  - 5) Enter the Compliance Monitoring Reason (Agency Priority);
  - 6) Enter the Compliance Monitoring Agency Type (U.S. EPA);
  - 7) Enter the OECA National Priority (e.g., "2014 – Air Toxics – Flaring");
  - 8) Enter the Compliance Monitoring Comments (if any);
  - 9) If an ICIS Case File record also is to be created for this case/facility, select the "Add/Link Case File" button at the bottom of the screen to create a linked Case File record.

**c. Addressed/No Further Action Determination Data**

The Air Toxics NEI Addressed/No Further Action status recorded in AFS was migrated from AFS into ICIS-Air in October 2015. This data was uploaded into the "Facility Addressed Type" and "Facility Addressed Date" data fields in the ICIS Case File (formerly "Compliance Determination") module based on the data previously reported into AFS.

Beginning in FY 15, all new Air Toxics NEI addressing actions must be entered directly into ICIS, manually entered by the regions into the Case File module.

To enter an Air Toxics NEI "Case File" record into ICIS:

- i. From the ICIS FE&C drop-down menu at the top of the screen select "Air Case File with NEI" or "NEI" from the Case File menu; this will open the Case File screen.
- ii. In the Basic Information Section of the Case File screen:
  - 1) Enter a Case File Name (name of company/facility)
  - 2) Enter a Status Type (Case File Data Entered (*default value*))
  - 3) Enter Case File Description (optional)
- iii. Link the Case File record to the facility addressed; conduct a search for the facility that has been addressed; select the facility (*be sure to link to the AIR programmatic ID associated with the facility that is identified as being part of one of the Air Toxics NEI universes for which an addressed/no further action determination has been made*); after linking to the facility, open the facility record and assure that the "Universe Indicator" field is populated with the correct NEI. If this field is not populated, or is populated with another NEI, then this is not the correct facility for linking. This facility should be unlinked and the process should be redone linking to the facility that is identified in ICIS as being part of the Air Toxics NEI universe.
- iv. Enter the Federal Statute Violated (select applicable statute, law section/program)
- v. In the NEI Determination section of the Case File screen:
  - 1) Select Air Toxics as the NEI

- 2) Select a Facility Addressed /Controlled Action Type and date; or Select a Facility No Further Action type and date.
  - 3) Enter into the NEI Determination comment field any comments on the addressed or no further action determination (e.g., the basis for the determination that a facility has been addressed or that no further action is required for this facility).
- vi. If the Case File record is related to an existing investigation, another Case File record, and/or enforcement action record in ICIS select "Related Activities" near the top of the Case File screen. On the Related Activities screen select "Search Activities to Link." From the list of "Activities Eligible to be Related" select the activity you want to link, and then click on the "Link" button. If the Case File is related to an EPA enforcement action for which a record has not yet been created in ICIS, to link the records you must separately create the Enforcement Action record and then link that record back to this existing Case File record.
- d. **Proper Flagging of All Air Toxics NEI Data in ICIS**  
Regions must assure that all Air Toxics NEI enforcement actions, evaluations and addressing actions are properly flagged in ICIS with the Air Toxics NEI flag using the National Priority data fields (on both the ICIS Basic Info and Final Order screens). The regions also will need to review the Air Toxics NEI evaluation, addressing action, and enforcement action data from ICIS for accuracy and completeness as part of the FY15 data certification process.

### 3. **Energy Extraction NEI** *(No change in reporting from FY 2015)*

#### a. **Inspection/Evaluation and Enforcement Action Data**

All enforcement and compliance monitoring data for the Energy Extraction (EE) portion of the OECA NEI Website will be obtained from ICIS, from the Enforcement Actions and Compliance Monitoring modules. All EE NEI inspections/evaluations and enforcement actions must be entered into ICIS and flagged with the EE NEI flag. These activities that are flagged in ICIS with the EE NEI flag will be counted toward the NEI, and the associated EE facilities will be mapped at MY and EOY. The regions also will need to review the EE NEI data from ICIS for accuracy and completeness as part of the FY15 EOY data certification process.

To enter an EE NEI inspection or evaluation into ICIS:

- i. Using the dropdown list at the top of the screen under "AIR" (if entering a CAA evaluation), "NPDES" (if entering an NPDES inspection), or "FE&C" (for any other program inspection such as a UIC, RCRA, SDWA, or EPCRA inspection) select "Search." Search for the facility using the name or facility ID #. In the list of facilities that results, identify the correct facility that has a corresponding programmatic ID#. When you have identified the correct facility select the "Compliance Monitoring" tab at the top of the screen.
- ii. On the resulting screen click on "Add Compliance Monitoring Activity" (in the upper right hand portion of the screen). On the next screen, in the "Inspection/Evaluation row click on "Federal." This will take you to the Compliance Monitoring Information data entry screen.
- iii. On the Compliance Monitoring Information screen:
  - 1) Enter the Region;
  - 2) Enter a Compliance Monitoring Activity Name (name of company/facility inspected);
  - 3) Enter:
    - a) an Actual Start Date; and

- b) an Actual End Date of the evaluation if known, otherwise a Planned End Date (if the Planned End Date is not known, it must be entered later when it is known);
- 4) Enter the Federal Statute, Law Section, and Compliance Monitoring Type;
- 5) Enter the Compliance Monitoring Reason (Agency Priority);
- 6) Enter the Compliance Monitoring Agency Type (U.S. EPA);
- 7) Enter the OECA National Priority (e.g., "2014 – Energy Extraction");
- 8) Enter the Compliance Monitoring Comments (if any);
- 9) If an ICIS Case File record also is to be created for this case/facility, select the "Add/Link Case File" button at the bottom of the screen to create a linked Case File record.

**b. Addressed/No Further Action Determination Data**

As in FYs 12-16, for FY 2016, the regions should enter an ICIS Case File record (formerly "Compliance Determination" record) for all facilities that the region has "addressed" under the EE NEI. Consistent with the definition of "addressed" in the EE NEI Strategy, this includes entry to ICIS of determinations that no further action is necessary.

To enter an EE NEI Addressed/No Further Action Determination into ICIS for an addressed or no further action determination:

- i. From the ICIS FE&C drop-down menu select "NEI" from the Case File menu; this will open the Case File screen.
- ii. In the Basic Information Section of the Case File screen:
  - 1) Enter a Case File Name (name of company/facility)
  - 2) Enter a Status Type (Case File Data Entered (*default value*))
  - 3) Enter Case File Description (optional)
- iii. Link the Case File record to the facility addressed; conduct a search for the facility that has been addressed; select the facility (*be sure to link to the applicable programmatic ID associated with the facility for which an addressed/no further action determination has been made*).
- iv. Enter the Federal Statute Violated (select applicable statute, law section/program. (*Please note: there may be no violations in some situations where a "no further action determination" is made*).
- v. In the NEI Determination section of the Case File screen:
  - 1) Select Energy Extraction as the NEI
  - 2) Select a Facility Addressed /Controlled Action Type and date; or Select a Facility No Further Action type and date.
  - 3) Enter into the NEI Determination comment field any comments on the addressed or no further action determination (e.g., the basis for the determination that a facility has been addressed or that no further action is required for this facility).
- vi. If the Case File record is related to an existing inspection/evaluation, another Case File record, and/or enforcement action record in ICIS, select "Related Activities" near the top of the Case File screen. On the Related Activities screen select "Search Activities to Link." From the list of "Activities Eligible to be Related" select the activity you want to link, and then click on the "Link" button. If the Case File is related to an EPA enforcement action for which a record has not yet been created in ICIS, to link the records, you must separately create the Enforcement Action record and then link that record back to this existing Case File record.



#### 4. CAFO NEI *(No changes in reporting from FY 2015)*

The three (3) components to CAFO NEI reporting from FY 2015 will continue in FY 2016:

- Manual reporting for “important CAFOs” through the NEI spreadsheet on the Quickr site;
- Reporting into ICIS of all Regional CAFO activities (for important CAFOs and all other CAFOs) and also state activities at “important CAFOs”; and
- ACS and Progress reporting of CAFO activities.

These three CAFO NEI reporting components are described below.

##### a. Manual Reporting for Important CAFOs

- i. For FY 16 the Regions will need to continue to manually enter the “Important CAFOs” in their region and associated addressing actions into the CAFO NEI spreadsheet maintained on a the “Quickr” site allowing OECA to track federal and state-equivalent “addressing actions” at national and regional levels for the universe of “important CAFOs.” The information reported in the spreadsheet supports the sub-goals in the NEI Strategy by creating an aggregated national CAFO universe of “important CAFOs” that serves as the denominator needed for OECA to measure and report progress (both internally and externally on OECA’s NEI web site) in this NEI program area.
- ii. Regions are asked to continue to enter facility-specific data into the manual important CAFO spreadsheet for each of the facilities the region has identified as an “important CAFO” under the CAFO NEI Strategy. For FY2015, the regions should utilize this manual spreadsheet for reporting inspections, enforcement actions, and addressed determinations (including no further action determinations) at the “important CAFOs.” Regions will access their individual spreadsheet on Quickr to input this data. The spreadsheet will be reviewed at MY FY2016 under OECA’s existing certification process and according to the deadlines identified for FY2016 midyear reporting.
- iii. The “addressing action” types for “Important CAFOs” that count toward the NEI Strategy sub-goals are: Federal enforcement action (i.e., federal civil judicial complaint filed with or without a consent decree, federal administrative order issued or complaint filed, or federal final administrative penalty order issued). The “no further action” types are state equivalent filed or issued administrative or civil judicial enforcement actions, state or federal NPDES permit with an enforceable compliance schedule that results in CWA compliance, and compliance evaluation determinations documenting that “no further action is warranted.”
- iv. For FY 2016 the CAFO SIT requests that the Regions continue to update the Important CAFO QuickPlace spreadsheets. If the need for this data changes, or we decide to move forward with a migration of the Important CAFO data into ICIS, we will notify the Regions.

Examples of the data captured in the “Important CAFO” Quickr spreadsheet:

Region	PCS/ NPDES ID	Facility Name	Address	City	State	Zip	Lat	Long	Universe	Federal Inspection Date	Federal Inspection Type	Inspection NEI Type	Enforcement Action ID	Enforcement Action Date	Enforcement Action Type	Info
01	VTU000054	MAOK FARM		Charlotte	VT				Important CAFO	10/7/2010	CAFO-Non-Sampling					
01	VTU000055	NORDIC FARMS		Charlotte	VT				Important CAFO	10/7/2010	CAFO-Non-Sampling					

## b. ICIS Reporting of CAFO Activity Data

### i. CAFO NEI Enforcement actions and inspections

Federal CAFO enforcement action and inspection data is already reported to ICIS. These activities must be flagged in ICIS as part of the CAFO NEI to be counted toward the NEI.

### ii. Entry to ICIS of Federal and State CAFO NEI Addressing Actions

As noted above, in FY 2016, as in FY 2015, the regions need to enter to ICIS an addressing action or no further action record for all federal and state activities that qualify as CAFO NEI addressing actions. This applies to addressed/no further action determinations based on state activities (state equivalent filed or issued administrative or civil judicial enforcement actions, state NPDES permit with an enforceable compliance schedule that results in CWA compliance) involving Important CAFOs and all other CAFOs addressed under the CAFO NEI.

All CAFO NEI federal Addressed and federal and state No Further Action determinations that are made must be manually entered to ICIS.

- 1) To enter an Addressed/No Further Action determination to ICIS for the CAFO NEI, from the ICIS FE&C drop-down menu at the top of the screen, select “NEI” from the Case File menu; this will open the Case File screen.
- 2) In the Basic Information Section of the Case File screen:
  - a) Enter a Case File Name (name of company/facility)
  - b) Enter a Status Type (Case File Data Entered (*default value*))
  - c) Enter Case File Description (optional)
- 3) Link the Case File record to the facility addressed; conduct a search for the facility that has been addressed; select the facility (*be sure to link to the NPDES programmatic ID associated with the facility for which an addressed/no further action determination has been made*).
- 4) Enter the Federal Statute Violated (select applicable statute, law section/program)
- 5) In the NEI Determination section of the Case File screen:
  - a) Select CAFO as the NEI
  - b) Select a Facility Addressed /Controlled Action Type and date; or, Select a Facility No Further Action type and date.
  - c) Enter into the NEI Determination comment field any comments on the addressed or no further action determination (e.g., the basis for the determination that a facility has been addressed or that no further action is required for this facility).
- 6) If the Case File record is related to an existing inspection, another Case File record, and/or enforcement action record in ICIS, select “Related Activities” near the top of the Case File screen. On the Related Activities screen select “Search

Activities to Link.” From the list of “Activities Eligible to be Related” select the activity you want to link, and then click on the “Link” button. If the Case File record is related to an EPA enforcement action for which a record has not yet been created in ICIS, to link the records you must separately create the Enforcement Action record and then link that record back to the Case File record.

iii. **Entry to ICIS of Data on Other CAFO Enforcement and Compliance Activities**

As in FY2015, in FY2016 OECA will rely heavily on data directly reported into ICIS for tracking progress for the entire CAFO NEI. The regions will enter to ICIS all CAFO NEI federal/federal-led inspections, federal enforcement actions, and federal and state “addressing actions,” including at “important CAFOs” as well as at other CAFOs and AFOs both inside regional “priority areas” and outside those areas (e.g., in “identified states”).

iv. **Concluded Federal Inspection and Enforcement Actions**

In FY2016, OECA may continue to count, map and display on OECA’s NEI Website the numbers of concluded EPA CAFO enforcement actions and EPA/EPA-led joint CAFO inspections. To be counted, these activities must be properly identified in the ICIS data system as a CAFO NEI activity using the ICIS “National Priority” data field. This data will be reviewed as part of the data certification process.

c. **ACS and Progress Reporting on Regional CAFO Activities**

i. **Inspections and Addressing Actions at Other CAFOs/AFOs**

In support of its ACS commitments, each region will count (along with its “important CAFO” counts) the total number of federal and federal-led inspections and “addressing actions” at “non-important” or “other” CAFOs/AFOs facilities, inside or outside regional priority areas, reporting the numbers using OECA’s existing ACS reporting mechanism. In addition to the total numbers reported to ACS, regions will submit to the SIT as an attachment to their annual progress reports a list of the facility-specific names of the “non-important” or “other” CAFOs/AFOs counted.

ii. **Revised ACS Progress Report Commitment**

Beginning in FY 2012, the CAFO SIT eliminated the requirement for a semi-annual progress report and revised the format for the annual progress reports for the CAFO NEI. As in FY 2012, instead of submitting a report, the Regions should update the “important CAFO” Quickr spreadsheet at MY 2016. At the end of FY2016 the Regions should submit a short narrative report to the SIT describing any changes to a region’s selection of priority areas and any challenges or successes in working with individual states to improve state CAFO programs. As noted above, regions will also include a list of the facility-specific names of the “non-important” or “other” CAFOs/AFOs counted in their ACS results as an attachment to their annual progress report at the end of FY 2016.

## 5. Mining and Mineral Processing NEI *(No change from FY 2015)*

Data for the Mining and Mineral Processing (MMP) NEI will be reported for FY 16 into ICIS. ICIS will be the data source for the Mineral Processing and Phosphoric Acid universes, the Addressed/No Further Action status of the facilities in these universes, MMP enforcement actions and, MMP inspections.

### a. Universe Data

The Mineral Processing and Phosphoric Acid facility universes were loaded into ICIS in June 2012. Each facility that is part of each MMP universe is identified using the new Universe Indicator data field the ICIS Facilities module, with a flag that indicates that the facility is part of one of the two MMP universes (Phosphoric Acid and Non-Phosphoric Acid). Note: any adjustment to the universes of MMP facilities (additions/subtractions of facilities) must be pre-approved by the MMP NEI SIT.

### b. Addressed Status Data

The Addressed/No Further Action status of the facilities in the MMP universes also was uploaded to ICIS in FY12. This data was uploaded into new data fields in the ICIS Case File (then "Compliance Determination") module based on the data reported at FY12 Mid-Year. Since then, MMP addressing actions have been entered directly into ICIS. This practice continues for FY16: All MMP Addressed/No Further Action determinations made in FY16 must be manually entered by the regions into the Case File Module.

To enter a MMP NEI "Case File" record into ICIS:

- i. From the ICIS FE&C drop-down menu at the top of the screen select "NEI" from the Case File menu; this will open the Case File screen.
- ii. In the Basic Information Section of the Case File screen:
  - 1) Enter a Case File Name (name of company/facility)
  - 2) Enter a Status Type (Case File Data Entered *(default value)*)
  - 3) Enter Case File Description (optional)
- iii. Link the Case File record to the facility addressed; conduct a search for the facility that has been addressed; select the facility *(be sure to link to the RCRA programmatic ID associated with the facility that is identified as being part of one of the Mineral Processing universes for which an addressed/no further action determination has been made)*; after linking to the facility, open the facility record and assure that the "Universe Indicator" field is populated with the correct NEI. If this field is not populated, or is populated with another NEI, then this is not the correct facility for linking. This facility should be unlinked and the process should be redone linking to the facility that is identified in ICIS as being part of a Mineral Processing NEI universe.
- iv. Enter the Federal Statute Violated (select applicable statute, law section/program)
- v. In the NEI Determination section of the Case File screen:
  - 1) Select Mineral Processing as the NEI
  - 2) Select a Facility Addressed /Controlled Action Type and date; or Select a Facility No Further Action type and date.
  - 3) Enter into the NEI Determination comment field any comments on the addressed or no further action determination (e.g., the basis for the determination that a facility has been addressed or that no further action is required for this facility).
- vi. If the Case File record is related to an existing investigation, another Case File record, and/or enforcement action record in ICIS select "Related Activities" near the top of the Case File screen. On the Related Activities screen select "Search Activities to Link." From



the list of "Activities Eligible to be Related" select the activity you want to link, and then click on the "Link" button. If the Case File is related to an EPA enforcement action for which a record has not yet been created in ICIS, to link the records you must separately create the Enforcement Action record and then link that record back to this existing Case File record.

**c. Inspection Data**

In FY2016, the Office of Compliance plans to upload historical (pre-FY2013) MMP NEI inspection data into ICIS from manual spreadsheet maintained by the MMP SIT. This data will not be uploaded into the compliance determination module, but, rather, it will be uploaded into the Case File module using the "Facility Initiated Action Type" and "Facility Initiated Action Date" data fields. Using these data fields we will be able to capture the fact that a MMP NEI facility has been inspected – data that is not reliably available in ICIS now. The MMP NEI Spreadsheet report will be modified to capture and correctly identify this new information in ICIS. Because this migration will involve only historical data, it is not expected that the regions will need to manipulate this migrated data.

As in FY 2013-2015, for FY 2016 all MMP NEI inspections conducted in FY 2013+ must be entered to ICIS. *(These inspections also should continue to be entered to RCRAInfo.)* This is necessary in order to cease relying on an external spreadsheet for tracking MMP inspections, and allowing us to create ICIS reports and dashboard features showing how many and which MMP facilities have been inspected.

To enter an MMP inspection into ICIS:

- i. Under the ICIS FE&C drop-down menu at the top of the screen select "Facility" and "Search." Search for the facility using the name or ID #. In the list of facilities that results, identify the correct facility that has a RCRAInfo programmatic ID#. Click on the programmatic ID# and verify that the facility is flagged with the correct MMP NEI in the "Universe Indicator" field. If it is not flagged with an NEI, or it has the wrong universe flag, return to the search list of facilities and renew your search for the correct facility. When you have identified the facility with the correct MMP NEI flag, then select the "Compliance Monitoring" tab at the top of the screen.
- ii. On the resulting screen click on "Add Compliance Monitoring Activity" (in the upper right hand corner). On the drop-down menu select "Inspection/Evaluation" and "Federal." This will take you to the Compliance Monitoring Information data entry screen.
- iii. On the Compliance Monitoring Information screen:
  - 1) Enter the Region;
  - 2) Enter a Compliance Monitoring Activity Name (name of company/facility inspected);
  - 3) Enter:
    - a) an Actual Start Date; and
    - b) an Actual End Date of the inspection if known, otherwise a Planned End Date (if the Planned End Date is not known, it must be entered later when it is known);
  - 4) Enter the Federal Statute (RCRA), Law Section, and Compliance Monitoring Type;
  - 5) Enter the Compliance Monitoring Reason (Agency Priority);
  - 6) Enter the Compliance Monitoring Agency Type (U.S. EPA);

7) Enter the OECA National Priority ("2014 – Mineral Processing – Non-Phosphoric Acid or Phosphoric Acid");

8) Enter the Compliance Monitoring Comments (if any);

If an ICIS Case File record also is to be created for this case/facility, select the "Add/Link Case File" button at the bottom of the screen to create a linked Case File record.

**6. Municipal Infrastructure NEI** *(No change in reporting from FY 2015 for CSO and SSO; Changes in reporting for MS4s)*

As in FYs 13-15, in FY 16 the source of data for the CSO and SSO components of the Municipal NEI and the MS4 component will be different, as described below.

**a. CSOs and SSOs**

In March FY13, Municipal NEI data for large CSOs and SSOs was uploaded from the MuniData Quick Place spreadsheets into ICIS. The data uploaded was the universe, addressed/no further action status, and initiated status data from the CSO and SSO MuniData spreadsheets. ICIS now is used for tracking the CSO and SSO components of the Municipal NEI.

All Addressed/No Further Action status and Initiated Action status data for the CSO and SSO segments of the Municipal NEI are now reported directly to ICIS. The MuniData spreadsheets that were maintained on the Muni Data Quickplace for CSOs and SSOs are no longer in use.

**i. CSO/SSO Universe Data**

The CSO and SSO universe data uploaded to ICIS is static. Changes to the universe should only be necessary in rare instances when errors or new information is discovered. Before making a change to the universe, please contact the SIT to let them know why the change is being made. (This will allow the SIT to later explain the changes to the universe.)

**ii. CSO/SSO "Initiated Actions"**

To enter a CSO/SSO NEI Initiated Action into ICIS:

- 1) From the ICIS FE&C drop-down menu at the top of the screen select "NEI" from the Case File menu; this will open the Case File screen.
- 2) In the Basic Information Section of the Case File screen:
  - a) Enter a Case File Name (name of company/facility)
  - b) Enter a Status Type (Case File Data Entered (*default value*))
  - c) Enter Case File Description (optional)
- 3) Link the Case File record to the facility with an initiated action; conduct a search for the facility that has an initiated action; select the facility (*be sure to link to the NPDES programmatic ID associated with the facility that is identified as being part of the Municipal CSO or SSO NEI universe for which a addressed/no further action determination has been made*); after linking to the facility, open the facility record and assure that the "Universe Indicator" field is populated with the correct NEI. If this field is not populated, or is populated with another NEI, then this is not the correct facility for linking. This facility should be unlinked and the process should be redone linking to the facility that is identified in ICIS as being part of a Municipal Infrastructure NEI universe.
- 4) Enter the Federal Statute Violated (select applicable statute, law section/program)
- 5) In the NEI Determination section of the Case File screen:

- a) Select Municipal as the NEI
  - b) Select a Facility NEI Initiated Action Type and date (based on the type of addressing action that has been initiated) (select the applicable Municipal sub-NEI/Initiated Action Type (CSOs >=50K serv. Pop'n Federal or State Action Initiated or SSOs >=10mg/d and <100 mg/d Federal or State Action Initiated)
  - c) Enter into the NEI Determination comment field any comments on the NEI initiated action.
- 6) If the Case File record is related to an existing inspection, another Case File record, and/or enforcement action record in ICIS, select "Related Activities" near the top of the Case File screen. On the Related Activities screen select "Search Activities to Link." From the list of "Activities Eligible to be Related" select the activity you want to link, and then click on the "Link" button. If the Case File is related to an EPA enforcement action for which a record has not yet been created in ICIS, to link the records you must separately create the Enforcement Action record and then link that record back to this existing Case File record.

### iii. CSO/SSO Addressing/No Further Action Determinations

To enter a CSO/SSO NEI addressing action/no further action determination into ICIS:

- 1) From the ICIS FE&C drop-down menu at the top of the screen select "NEI" from the Case File menu; this will open the Case File screen.
- 2) In the Basic Information Section of the Case File screen:
  - a) Enter a Case File Name (name of company/facility)
  - b) Enter a Status Type (Case File Data Entered (*default value*))
  - c) Enter Case File Description (optional)
- 3) Link the Case File record to the facility addressed; conduct a search for the facility that has been addressed; select the facility (*be sure to link to the NPDES programmatic ID associated with the facility that is identified as being part of the Municipal CSO or SSO NEI universe for which a addressed/no further action determination has been made*); after linking to the facility, open the facility record and assure that the "Universe Indicator" field is populated with the correct NEI. If this field is not populated, or is populated with another NEI, then this is not the correct facility for linking. This facility should be unlinked and the process should be redone linking to the facility that is identified in ICIS as being part of a Municipal Infrastructure NEI universe.
- 4) Enter the Federal Statute Violated (select applicable statute, law section/program)
- 5) In the NEI Determination section of the Case File screen:
  - a) Select Municipal Infrastructure as the NEI
  - b) Select a Facility Addressed /Controlled Action Type and date; or Select a Facility No Further Action type and date.
  - c) Enter into the NEI Determination comment field any comments on the addressed or no further action determination (e.g., the basis for the determination that a facility has been addressed or that no further action is required for this facility).
- 6) If the Case File record is related to an existing inspection, another Case File record, and/or enforcement action record in ICIS, select "Related Activities" near the top of the Case File screen. On the Related Activities screen select "Search

Activities to Link.” From the list of “Activities Eligible to be Related” select the activity you want to link, and then click on the “Link” button. If the Case File is related to an EPA enforcement action for which a record has not yet been created in ICIS, to link the records you must separately create the Enforcement Action record and then link that record back to this existing Case File record.

**iv. ICIS Entry of State CSO/SSO Initiated Actions and Addressing Action/No Further Action Determinations**

Whenever a Region identifies an instance in which a state action (enforcement or permitting) qualifies under the Municipal NEI Strategy and related guidance as an Initiated Action, an Addressing Action, or a No Further Action determination, the Region must enter this information to the Case File screen in ICIS following the directions above. Be sure to select the option in the Initiated Action, and No Further Action menus that reflects that this is a state enforcement or permitting action, not a federal action. In addition, in the NEI Determination Comment field, explain what action was taken by what state that qualified as an Initiated Action and/or No Further Action determination under the Municipal Strategy.

**v. CSO and SSO Enforcement Actions and Inspections**

Federal CSO and SSO NEI inspections and enforcement actions must be entered to ICIS. Enforcement actions must be flagged in ICIS upon case initiation and conclusion as part of the Municipal CSO or SSO sub-NEI by selecting the correct “WW-CSOs or WW-SSO option in the “OECA National Priority” data field on the Basic Info and Final Order screens. CSO and SSO NEI inspections must also be flagged as part of the Municipal NEI by selecting the correct “WW-CSOs or WW-SSO option in the “OECA National Priority” data field on the Compliance Monitoring Information screen.

**vi. Tracking Municipal NEI Green Infrastructure Settlement Information**

The National Municipal Infrastructure Compliance and Enforcement Initiative Strategy states that *“EPA will evaluate in every case, and where appropriate, to ensure green infrastructure (GI) remedies are implemented to reduce discharges of raw sewage and reduce pollutants in storm water runoff.”* The current strategy requires tracking of: enforcement cases requiring GI remedies and the estimated value of those remedies, and cases with provisions (also referred to as “enabling language”) for the exploration and inclusion of GI remedies, which are not legally required in the case settlement.

**Green Infrastructure Data Entry Instructions**

In FY 2012, regions manually reported CSO, SSO, and MS4 GI information in the comment field of the appropriate Quickr spreadsheet. For FY 2013 reporting and beyond, GI data is being tracked in ICIS using the existing ICIS Complying Action/Injunctive Relief data entry screen. All CSO, SSO, and MS4 NEI concluded cases that include GI remedies or “enabling” language must be entered into ICIS. The ICIS complying action types available specifically for tracking green infrastructure are:

- *Green Infrastructure Requirement Estimate (value unknown),*
- *Green Infrastructure Requirement Estimate (value known), and*
- *Green Infrastructure Enabling Language*



The "Green Infrastructure Requirement (value unknown)" selection allows regions to record consent decrees that require GI as injunctive relief but the GI value is not known at the time of settlement.

1) **Green Infrastructure Requirement (value unknown)**

The dollar value to enter with a "Green Infrastructure Requirement Estimate (value unknown)" complying action will always be \$0. This will allow regions to input the GI component of settlements without entering a false placeholder value.

Subsequently, when the region is able to estimate the GI value, it may be entered into ICIS using the "Green Infrastructure Requirement Estimate (value known)" complying action option. If this information is entered under a new final order (i.e., "Final Enforcement Order Activity Producing Results" order type in ICIS), the GI value will be counted as part of the Region's injunctive relief value total for the FY that the new final order is created.

The ICIS data entry requirements:

2) **Green Infrastructure Requirement (value unknown):**

- a) **Statute:** <select> CWA-Clean Water Act
- b) **Law Section:** <select> CWA 301/402: NPDES Permit Violations: NPDES Combined Sewer Overflows (CSO) or CWA 301/402: NPDES Permit Violations: NPDES-Sanitary Sewer Overflow (SSO) or CWA 301/402: NPDES Permit Violations: NPDES-Stormwater-MS4
- c) **Complying Action Category Type:** <select> Reduction of Ongoing Releases
- d) **Complying Action Type:** <select> Green Infrastructure Requirement (value unknown)
- e) **Units:** <select> Dollars
- f) **Amount:** <enter> "0"
- g) **Pollutant Name:** < "Contaminated water"
- h) **Media:** Water (navigable/surface)

3) **Green Infrastructure Requirement (value known):**

Enter the estimated dollar value of the GI component of the settlement. The ICIS data entry requirements for **Green Infrastructure Requirement (value known)** are:

- a) **Statute:** <select> CWA-Clean Water Act
- b) **Law Section:** <select> CWA 301 /402: NPDES Permit Violations: NPDES Combined Sewer Overflows (CSO) or CWA 301/402: NPDES Permit Violations: NPDES-Sanitary Sewer Overflow (SSO) or CWA 301/402: NPDES Permit Violations: NPDES-Stormwater-MS4
- c) **Complying Action Category Type:** <select> Reduction of Ongoing Releases

- d) **Complying Action Type:** <select> Green Infrastructure Requirement (value known)
- e) **Units:** <select> Dollars
- f) **Amount:** <enter> Estimated cost of required GI component
- g) **Pollutant Name:** <"Contaminated water"
- h) **Media:** Water (navigable/surface)

4) **Green Infrastructure Enabling Language**

For each NEI case conclusion that includes Green Infrastructure "enabling language" (but no required green infrastructure remedy), enter the following Complying Action Type: *Green Infrastructure Enabling Language*. The dollar value to enter will always be \$0. The ICIS data entry requirements for **Green Infrastructure Enabling Language** are:

- a) **Statute:** <select> CW A-Clean Water Act
- b) **Law Section:** <select> CWA 3011402: NPDES Permit Violations: NPDES Combined Sewer Overflows (CSO) or CWA 301/402: NPDES Permit Violations: NPDES-Sanitary Sewer Overflow (SSO) or CW A 301/402: NPDES Permit Violations: NPDES- Stormwater-MS4
- c) **Complying Action Category Type:** <select> Reduction of Ongoing Releases
- d) **Complying Action Type:** <select> Green Infrastructure Enabling Language
- e) **Units:** <select> Dollars
- f) **Amount:** <enter> "0"
- g) **Pollutant Name:** <"Contaminated water"
- h) **Media:** Water (navigable/surface)

5) **ICIS Muni Green Infrastructure Report**

An ICIS report to capture GI data entitled, "Muni Green Infrastructure Tracking Report, " is posted in the "Federal Enforcement and Compliance Reports/National Standard Reports" folder.

vii. **Integrated Planning Reporting for Municipal Cases**

Beginning in FY 2014 regions are requested to report in ICIS the number of enforcement case conclusions which EPA determines to have integrated planning remedies consistent with EPA's *Integrated Municipal Stormwater and Wastewater Planning Approach Framework*. Most of the cases involved would be municipal NPDES CSO, SSO and MS4 enforcement cases initiated by EPA.

The threshold for this "IP bean" is not the submission of a plan by a defendant, but rather a determination by EPA that the conclusion meets the intent of the Integrated Plan Framework (with or without a plan). The Regions are required to input the data into ICIS for any cases concluded during FY 2015 forward determined to have integrated planning remedies consistent with EPA's Framework.

It is possible that in some cases both Green Infrastructure and IP will be triggered and both should be flagged in relevant (but separate) ICIS fields. By using this approach, EPA will have a comprehensive count of cases involving IP, as well as a separate stand-alone count of green infrastructure initiated and concluded actions.

#### Data Entry

The “Integrated Planning Element” indicator has been added to the **Administrative Formal Enforcement Action/Initiation Sub-Activity Screen**, under the **Sub-Activity Type** data field. Once the IP determination is made and the case conclusion is flagged as such, the regions must select the “Integrated Planning Element” indicator from the drop down menu.

For questions regarding Integrated Planning (IP) reporting or the National Municipal Infrastructure Compliance and Enforcement Strategy, you may contact Seth Heminway at 202-564-7017, [heminway.seth@epa.gov](mailto:heminway.seth@epa.gov).

### **b. MS4 Phase 1**

#### **i. Reporting MS4 Phase 1 NEI Data for FY 16**

In FY16, we may transfer reporting for the MS4 segment of the Municipal Infrastructure NEI to ICIS. Until this occurs, the regions should continue to input MS4 data to the MS4 spreadsheets that reside on the MuniData Quick Place. Until the shift to ICIS is made, the Regions are responsible for assuring that these spreadsheets are timely updated, and for reviewing these spreadsheets for accuracy and completeness as part of the FY16 data certification process.

Following migration of the MS4 data to ICIS (if this occurs in FY 2016), the regions will report all NEI addressing action activities to ICIS and will cease using the Quick Place spreadsheets. The procedures for reporting this data to ICIS are generally the same as for CSOs and SSOs as described above – but, there are some differences:

#### **1) First, here are key MS4 facility definitions:**

- a) **Primary Permittee** – The MS4 permittee that is designated by the Regions as the permittee that represents the entire “System” for tracking purposes for the MS4 universe spreadsheet and in the ICIS database. The Primary Permittee must have a NPDES permit. The Primary Permittee may be a single permittee without any Co-Permittees, or a permittee with Co-Permittees.
- b) **Co-Permittee** – All of the MS4 permittees/entities that are part of an MS4 “System” that are not the Primary Permittee. Not all Co-Permittees necessarily have their own NPDES permit.
- c) **System** – The MS4 Primary Permittee plus all of the Co-Permittees associated with that Primary Permittee.

- 2) When the MS4 data is migrated to ICIS from the Quick Place spreadsheets, each MS4 Phase 1 facility in the universe will have been flagged in ICIS (via the Universe Indicator field of the Facilities screen) as either an “MS4 Phase 1 Primary Permittee” or “MS4 Phase 1 Co-Permittee.” (Note that there will rarely

be any need (as with the other NEIs) for a region to add, delete, or make a change to an NEI Universe Indicator flag).

- a) Each MS4 "Co-Permittee" that does not have an NPDES permit will have an "unpermitted facility" NPDES permit interest created for it in ICIS as part of the data migration. This will allow that Co-Permittee to be associated with the Primary Permittee.
- 3) Each Co-Permittee will be associated in ICIS with a Primary Permittee (via the "Associated NPDES Permits" functionality in the ICIS-NPDES "NPDES Permits" module). This will allow us to write an ICIS report that lists the MS4 Phase 1 Systems (the Primary Permittee + Co-Permittees).
- 4) The addressing action types and no further action types for the MS4 NEI are listed below.
  - a) For an MS4 System to be considered addressed the Primary Permittee and each associated Co-Permittee must be flagged in ICIS with one of the addressing action or no further action types.
    - i) Note in particular the no further action type, "Co-Permittee, No Action Taken" (shaded green, below). This type is to be used to flag Co-Permittees that are part of a System that has been determined to have been addressed or for which no further action is warranted for which no compliance assessment was made.
  - b) The "System Addressed" and "System No Further Action " types (highlighted below in pink) are to be used to indicate that an MS4 System, in its entirety, has been addressed or that no further action is warranted. This is done by creating a separate Case File record in ICIS, linked to the Primary Permittee, flagged with one of these two types. This allows us to distinguish between instances where the Primary Permittee has been addressed but the System is not yet considered addressed.

#### **MS4 Phase 1 Addressing Action Types in ICIS**

1. Federal Final Administrative Compliance or Penalty Orders
2. Federal Civil Judicial Complaint filed simultaneously with a CD
3. Federal Civil Judicial Complaint filed without a CD
4. MS4s- Phase 1 – System Addressed

#### **MS4 Phase 1 No Further Actions Types in ICIS**

1. Other approved by WED DD
2. Fed or State Evaluation determined no or minor violations
3. Federal NPDES permits that comport with policies
4. State equivalent enforcement action
5. State NPDES permits that comport with policies
6. MS4s- Phase 1 – System No Further Action
7. MS4s- Phase 1 – Co-Permittee, No Action Taken



5) MS4 NEI Case File (formerly Compliance Determination) Data Entry Examples:

- a) Primary Permittee with No Co-Permittees: An administrative compliance order is issued to address a MS4 Phase 1 Primary Permittee that has no Co-Permittees. After entering the enforcement action record into ICIS the user will enter a Case File record for the facility selecting both “MS4 – Phase 1 - Federal Final Administrative Compliance and Penalty Orders” as the addressing action type, and “MS4s- Phase 1 – System Addressed” to show that this System now is considered addressed.
- b) Primary Permittee with Numerous Co-Permittees: In this case the Primary Permittee and Co-Permittees making up an MS4 Phase 1 System are addressed via three different mechanisms:
  - i) The Primary Permittee and two Co-Permittees are addressed through filing of a civil judicial complaint (w/o a CD). To record this, a Case File record is created in ICIS that is linked to these three entities and the appropriate addressing action type is selected.
  - ii) Five more Co-Permittees are addressed by a determination that they have “no or minor violations.” To record this, a second Case File record is created linked to these five entities and the appropriate no further action type is selected.
  - iii) Four more very minor Co-Permittees have “no action taken.” To record this, a third Case File record is created linked to these five entities with the “Co-Permittee, No Action Taken” type selected.
- c) MS4 System: Finally, when it is appropriate to indicate that the MS4 “System” as a whole is considered addressed, it is necessary to return to the Case File record that includes the Primary Permittee and add the “MS4s- Phase 1 – System Addressed” addressing action type to this record. This must be done whether the Primary Permittee has or does not have Co-Permittees.

- 6) If the migration of the MS4 data to ICIS is completed, to create a Case File record in ICIS for a MS4 NEI facility that is addressed, or for which no further action will be taken, or against which an action has been initiated, follow the procedures set forth above for CSO/SSO (section 6.a.ii and iii), selecting the applicable MS4 initiated action, addressing action, or no further action type.

ii. **Reporting MS4 NEI Activities to ICIS**

MS4 NEI inspections, investigations, and enforcement actions must be entered to ICIS. Enforcement actions must be flagged in ICIS upon case initiation and conclusion as part of the Municipal MS4 NEI by selecting either WW-MS4s-Phase 1 or Phase II in the “OECA National Priority” data field on the Basic Info and Final Order screens. MS4 NEI inspections and investigations must also be flagged in ICIS by selecting either WW-MS4s-Phase 1 or Phase II in the “OECA National Priority” data field on the Compliance Monitoring Information screen.

